

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK**

---

CHEVRON CORP.,

Plaintiffs,

-against-

Case No. 1:12-mc-65 GLS/CFH

Hon. Gary L. Sharpe

STEVEN DONZIGER, *et al.*,

Defendants.

---

**NOTICE OF MOTION OF NON-PARTY JOHN DOE MOVANTS TO QUASH  
SUBPOENAS TO MICROSOFT, INC. SEEKING IDENTITY AND EMAIL USAGE  
INFORMATION; MEMORANDUM OF POINTS AND AUTHORITIES IN SUPPORT  
OF MOTION TO QUASH**

**NOTICE OF MOTION**

TO PLAINTIFF CHEVRON CORP. AND ALL COUNSEL OF RECORD:

**NOTICE IS HEREBY GIVEN** that the Non-Party John Doe Movants hereby move the District Court for the Northern District of New York to quash the subpoena served by Plaintiff Chevron Corporation on or around September 18, 2012 to non-party company Microsoft in the District Court for the Northern District of New York. The subpoena seeks identity and email usage information associated with 30 Hotmail addresses. The subpoena was issued in support of a civil action filed in the District Court for the Southern District of New York on February 1, 2011 captioned *Chevron Corp. v. Donziger, et al.*, Case No. 11-cv-0691 (LAK). A date and time at which this motion will be heard are to be determined.

As discussed in the memorandum below, Chevron's subpoena should be quashed because it violates the constitutional rights of anonymity and freedom of association of non-party online users. This motion, made pursuant to Federal Rule of Civil Procedure 45(c) and the New York Civil Practice Law and Rules §§ 2304 and 3103, is based on this notice, the attached memorandum of points and authorities, all accompanying declarations and exhibits, and on such oral argument as may be received by this Court. The Non-Party John Doe Movants respectfully request that this Court grant this motion and quash the subpoena issued by Chevron in its entirety.

DATED: October 22, 2012

Respectfully submitted,

/s/ Peter Henner

Peter Henner, Esq.  
Bar Roll No. 101956  
P.O. Box 326  
Clarksville, NY 12041-0326  
Tel. (518) 768-8232  
Fax (518) 768-8235  
Email: peter@peterhenner.com

Cindy A. Cohn, Esq.  
Marcia Hofmann, Esq.  
(*pro hac vice* admission pending)  
Nathan Cardozo, Esq.  
ELECTRONIC FRONTIER FOUNDATION  
454 Shotwell Street  
San Francisco, CA 94110  
Telephone: (415) 436-9333  
Facsimile: (415) 436-9993

Marco Simons (SBN 237314)  
marco@earthrights.org  
EARTHRIGHTS INTERNATIONAL  
1612 K Street NW, Suite 401  
Washington, DC 20006  
Telephone: (202) 466-5188

*Counsel For Non-Party John Doe Movants*